

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

DAVID CAZARES

V.

BEN RAIMER, ET AL.

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§


CIVIL ACTION NO. G-03-235

**ORDER OF DISMISSAL**

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on November 7, 2005, which recommends that Defendants' Motion for Summary Judgment be granted and Plaintiff's claim of deliberate indifference to his serious medical needs be dismissed with prejudice. Plaintiff has filed objections to the Report and Recommendation, asserting that Defendants failed to prove the facts asserted in their summary judgment motion regarding his medical treatment. A review of Defendants' summary judgment motion reveals, however, complete documentation regarding each assertion relevant to the treatment of Plaintiff's Hepatitis-C infection. Plaintiff has failed to show that any Defendant was deliberately indifferent to his serious medical needs.

After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that this cause is **DISMISSED** with prejudice for failure to state a claim for which relief can be granted.

**DONE** at Galveston, Texas, this the 1<sup>st</sup> day of December, 2005.

  
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Samuel B. Kent  
United States District Judge